

Message Text

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ACTION NEA-11

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 NSAE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 H-02 INR-10
L-03 PA-02 SP-02 SS-15 COME-00 EB-08 LAB-04
SIL-01 NEAE-00 /076 W
-----007213 281742Z /43

O R 281705Z SEP 78
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 2722
INFO AMEMBASSY ALGIERS
AMEMBASSY BRUSSELS
AMEMBASSY PARIS
AMEMBASSY RABAT
AMEMBASSY TRIPOLI

UNCLAS TUNIS 6974

BRUSSELS FOR USEEC/LABATT

PARIS FOR LABATT

E.O. 11652: NXA
TAGS: ELAB, PIN, TS
SUBJ: STATE SECURITY COURT TRIAL RESUMES UGTT TRIAL

1. THE STATE SECURITY COURT TRAIL OF THE 30FORMER UGTT
LEADERS WAS RSUMED MORNING OF SEPT 28 UNDER STRICT
SECURITY MEASURES. OPENING THE TRIAL, THE PRESIDING JUDGE
ORDERED SECURITY AGENTS TO MAINTIAIN ORDER AND WARNED THAT
ANYONE IN THE AUDIENCE (APPROXIMATELY 100 PERSONS--MOSTLY
SECURITY MEN AND NUMBER OF DEFENDANTS FAMILY MEMBERS) RAISING
HIS VOICE WOULD BE IMMEDIATELY EXPELLED. HE DECLARED THE COURT WOULD
NOT DEAL WITH ALL 30 DEFENDANTS AS A SINGLE GROUP NOR WOULD THEY
BE ALLOWED IN THE COURTROOM AT SAME TIME. RATHER, DEFENDANTS
WOULD BE ORGANIZED IN SMALLER NUMBERS FOR INTEROGATION.WHEN THE
COURTLWOULD FINISH WITH ONE GROUP, THEY WOULD BE REMOVED AND
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ANOTHER GROUP WOULD BE BROUGHT IN. HE THEN ANNOUNCED THAT THE
COURT HAS ALSO REFUSED TO CONSIDER A MOTION SUBMITTED BY
FIVE DEFENDANTS REQUESTING THAT TWO MEMBERS OF THE COURT
WHO ARE ALSO MEMBTTYTTOTLTHE NATIONAL ASSEMBLY BE DECLARED
UNQUALIFIED TO SIT AS JUDGES. SIMILAR MOTION WAS
REJECTED BY THE COURT DURING ITS SEPTEMBER 14 SESSION.

2. SPEAKING ON BEHALF OF THE DEFENSE ATTORNEYS, PROFESSOR CHABBI READ A MOTION TO THE COURT FROM THE TUNISIAN LAWYERS ASSOCIATION. THE MOTION PROTESTED AGAINST THE REMARKS OF THE PRESIDING JUDGE MADE AT THE OPENING SESSION SEPT 14 IN WHICH HE URGED THE DEFENSE LAWYERS TO AVOID RHETORIC AND TO STICK TO THE CORE OF THE CASE. HE ALSO REQUESTED THAT THE TRIAL BE POSTPONED TO GIVE DEFENSE ATTORNEYS SUFFICIENT TIME TO STUDY ALL THE NECESSARY DOCUMENTS, ADDING THAT THE TWO-WEEK ADJOURNMENT WAS NOT ENOUGH. AFTER CONSULTATION, THE COURT REJECTED THE DEFENSE REQUEST FOR A FURTHER POSTPONEMENT. DEFENSE LAWYER CHEFFI INTERVENED TO SAY THAT NOT ALL OF THE ITEMS SEIZED AT UGTT HEADQUARTERS HAD BEEN BROUGHT TO THE COURTROOM, THAT THE "IRON BALLS" ON EXHIBIT IN THE COURT AS EVIDENCE WERE NOT TAKEN AT UGTT HEADQUARTERS. HE SAID HE HAD ALSO SUBMITTED A MOTION TO DISQUALIFY THE SAME TWO NATIONAL ASSEMBLY MEMBERS FROM THE BENCH ON SEPT 27 AND HE REQUESTED THAT THE TRIAL BE POSTPONED UNTIL THE COURT TAKES A DECISION IN REGARD TO THAT REQUEST. HE COMPLAINED THAT THE SECURITY AGENTS HAD PREVENTED MEMBERS OF THE FAMILIES OF THE DEFENDANTS FROM ATTENDING THE TRIAL AND HE REQUESTED THAT THE COURT INTERCEDE TO ALLOW THEM ENTRY, REMOVING ALL THOSE WHO WERE NOT DIRECTLY CONCERNED WITH THE TRIAL. THE PRESIDING JUDGE BRUSHED ASIDE ALL THESE CLAIMS AND SAID THAT THE TRIAL WAS OPEN FOR THE PUBLIC. THEN A SHARP VERBAL EXCHANGE OCCURRED BETWEEN THE PRESIDING JUDGE AND EX-MINISTER OF UNCLASSIFIED

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JUSTICE MOHAMED BELLALLOUNA, ONE OF THE DEFENSE ATTORNEYS. BELLALLOUNA OBJECTED TO THE WAY THE TRIAL WAS BEING CONDUCTED -- ESPECIALLY THE SEPARATION OF THE ACCUSED INTO DIFFERENT GROUPS. HE ALSO OBJECTED TO PRESIDING JUDGE'S REFUSAL TO LET HIM SUBMIT SOME DEMANDS ON BEHALF OF THE DEFENSE ATTORNEYS AND HE WARNED TWICE THAT HE WOULD WALK OUT IF NOT ALLOWED TO SPEAK WITHOUT INTERRUPTION. WORDS WERE EXCHANGED AND BELLALLOUNA WALKED OUT. ALL THE DEFENSE ATTORNEYS FOLLOWED HIM. COURT THEN WENT INTO RECESS. AFTER THREE HOURS AND A HALF OF PRIVATE DELIVERATIONS, THE PRESIDING JUDGE RETURNED TO DECLARE THAT THE COURT HAD DECIDED TO REJECT THE PROTEST MOTION SUBMITTED BY THE DEFENSE LAWYERS. HE THEN INFORMED THE AUDIENCE THAT THE BENCH HAD DECIDED THERE WERE TOO MANY DEFENSE LAWYERS IN THE COURTROOM, AND HE READ A LIST OF APPROXIMATELY 22 ATTORNEYS FROM THE LARGER GROUP OF 75 WHO WOULD HENCEFORTH BE ALLOWED TO PARTICIPATE. (THE DEFENSE LAWYERS ARE CAUSING THIS AFTERNOON TO DECIDE HOW TO RESPOND TO THIS RESTRICTION. JUDGE EL FATIMI ALSO DECLARED THAT THE TRIAL WILL RESUME THE MORNING OF SEPT 29 TO BEGIN INTERROGATION OF THE ACCUSED.

3. THE TRIAL WAS ATTENDED BY FOREIGN OBSERVERS,
INCLUDING IRVING BROWN OF THE AFL-CIO; JOHN VANDERVEKEN,
ASST SECRETARY GENERAL OF THE ICFTU; LAWYER FRANCOIS
SARDA, ENVOY OF THE ICFTU; BONA CORSI, ENVOY OF THE
FRENCH FORCE OUVRIERE; AND DR. ZMERLI AND DR. BOUSLAMA
FROM THE TUNISIAN LEAGUE FOR THE RIGHTS OF MAN.
REPRESENTATIVES OF ALL TUNISIAN METW RGANS, WITH THE

EXCEPTION OF TELEVISION, WERE PRESENT, AS WELL AS WERE
REPRESENTATIVES OF VARIOUS INTERNATIONAL NEWS AGENCIES.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT PROCEEDINGS, TRIALS, LABOR UNION OFFICIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TUNIS06974
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780396-0708
Format: TEL
From: TUNIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978098/aaaaagxe.tel
Line Count: 126
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a888e852-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1480536
Secure: OPEN
Status: NATIVE
Subject: STATE SECURITY COURT TRIAL RESUMES UGTT TRIAL
TAGS: ELAB, PINT, TS
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a888e852-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014